

THE ATKIN FIRM, LLC

Formed in the State of New Jersey

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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

STRIKE 3 HOLDINGS, LLC,

Plaintiff,

v.

JOHN DOE subscriber assigned IP
address 72.76.169.60,

Defendant.

Case No. 3:23-cv-20620-RK-JBD

**CERTIFICATION OF
JOHN C. ATKIN, ESQ.**

JOHN C. ATKIN, Esquire, of full age, states:

1. I am an attorney-at-law in the State of New Jersey and a member of The Atkin Firm, LLC, counsel for Strike 3 Holdings, LLC (“Strike 3” or “Plaintiff”) in the above-captioned matter. I make this certification based on personal knowledge in support of Strike 3’s motion for an extension of time within which to effectuate service of process in this matter on Defendant, John Doe subscriber assigned IP address 72.76.169.60 (“Defendant”), pursuant to Federal Rule of Civil Procedure 4(m).

2. This is a copyright infringement case against a John Doe Defendant known to Plaintiff only by an IP address. Defendant's true identity is known by their Internet service provider ("ISP").

3. On September 25, 2023, Plaintiff filed suit against Defendant, asserting claims of copyright infringement, pursuant to 17 U.S.C. § 101, et seq.

4. Pursuant to Federal Rule of Civil Procedure 4(m) and 6(a)(1), Plaintiff is required to effectuate service of process on Defendant no later than December 26, 2023.

5. On October 9, 2023, Plaintiff filed a Motion for Leave to Serve a Third-Party Subpoena Prior to a Rule 26(f) Conference ("Motion for Leave") in order to serve a third-party subpoena on Defendant's ISP. [ECF No. 5].

6. On December 5, 2023, the Court granted Plaintiff's Motion for Leave to Serve a Third-Party Subpoena Prior to a Rule 26(f) Conference in order to serve a third-party subpoena on Defendant's ISP. [ECF No. 6].

7. On December 8, 2023, Plaintiff issued a subpoena to Defendant's ISP, and expects to receive a response on or about February 28, 2024.

8. Plaintiff respectfully requests that the time within which it is required to effectuate service be extended for sixty (60) days from February 28, 2024 (the date Plaintiff expects to receive the ISP response), to April 28, 2024. This extension should provide Plaintiff time to receive the subpoena response, conduct a further

investigation to confirm the identity of the infringer, to amend the Complaint, to complete the preparation of all ancillary documents and place the summons and Amended Complaint with the process server to attempt service of process.

9. This motion is made in good faith and not for the purpose of undue delay.

10. This is Plaintiff's first request for an extension of time within which to effectuate service of process.

11. Plaintiff respectfully submits that none of the parties will be prejudiced by the grant of this extension.

12. I certify under penalty of perjury that the foregoing is true and correct.

Dated: December 21, 2023

By: /s/ John C. Atkin, Esq.
JOHN C. ATKIN